

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Newport News Division

UNITED STATES OF AMERICA

v.

ACTION NO. 4:05CR34

RULEE IMHOTEP,

Defendant.

O R D E R

_____In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. The Court concludes that the following facts require the detention of the defendant pending trial in this case.

The Court FINDS that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence that the defendant has engaged in a long period of defrauding New York tax authorities of revenue by buying low cost cigarettes in Virginia and transporting them to New York for sale. The defendant apparently engaged in this conduct for a number of years until arrested in Maryland.

The defendant has no ties to the Eastern District of Virginia and has resided in New York City for a number of years. The defendant's criminal record includes a conviction for burglary in the third degree as a youthful offender in 1981. In 1983 the

defendant again was adjudicated a youthful offender for burglary in the third degree. In 1982 he was found guilty of trespassing. In 1986 he was again found guilty of trespassing. In 1987 he was found guilty of attempted grand larceny, which is a misdemeanor, and received 90 days of incarceration. Also in 1987 he was found guilty of burglary third degree with six months imposed and five years probation. His probation was violated in 1988 and he was resentenced to two to six years imposed. In 1988 he was convicted of attempted grand larceny and received 42 months to seven years. In 2000 he was found guilty of transporting unstamped cigarettes in Maryland and in 2003 he was found guilty of transporting unstamped cigarettes in Maryland.

The defendant has no indication of any physical or mental health problems. He has no assets or current income.

The Court FINDS that this defendant is a risk of nonappearance due to the fact that two prior bench warrants were issued, that he is reportedly a current user of marijuana, that he is currently serving probation and may be facing a probation violation, and that he was uncooperative at the time of his arrest. In addition, the Court FINDS that the defendant's prior felony convictions relating to economic crimes indicate that the defendant is a serious risk that he would be a danger to the economic safety of another person or the community.

The defendant is committed to the custody of the Attorney

General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

The Clerk shall mail or deliver a copy of this Order to the United States Attorney at Norfolk, to the United States Marshal at Norfolk, to the United States Pretrial Services Office at Norfolk, and to counsel of record for the defendant.

/s/
Tommy E. Miller
United States Magistrate Judge

Norfolk, Virginia

May 24, 2005